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TO RUEHC/SECSTATE WASHDC 2393
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
RUEAIIA/CIA WASHDC
RUEHLMC/MILLENNIUM CHALLENGE CORPORATION WASHDC

UNCLAS LILONGWE 000163

SIPDIS

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STATE FOR AF/S GABRIELLE MALLORY
STATE FOR INR/AA

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [KCOR](#) [MI](#)

SUBJECT: GOVERNMENT DEFIES COURT ORDER TO REINSTATE VP

REF: A. LILONGWE 133

[¶](#)B. LILONGWE 137

[¶](#)1. (SBU) Summary: Government continues to ignore a court injunction against the dismissal of Vice President Cassim Chilumpha, and has withdrawn his security detail, staff and vehicles. For his part, Chilumpha announced on February 15 he plans to sue the Attorney General for contempt of court. The refusal of President Mutharika's government to follow the court order has deepened the current constitutional crisis (reftel A), and sets a dangerous precedent for Presidential power. End Summary.

[¶](#)2. (SBU) According to one source, during a recent cabinet meeting the President announced that unspecified health problems would soon keep him out of the country for a limited time. Mutharika told the cabinet that he didn't want Chilumpha, with whom he had publicly feuded, to take over while he was away. After the cabinet meeting Mutharika and his 'inner circle', which includes the Attorney General, decided to put forward the claim that Chilumpha had effectively resigned (reftel A). President Mutharika then announced on February 9 Chilumpha's "constructive" resignation, and declared that he was accepting the resignation.

[¶](#)3. (SBU) This clearly unconstitutional move was immediately challenged by the VP, who obtained a court injunction against his dismissal on February 10. However the Attorney General, disingenuously claiming that the injunction never specified the VP should remain in his office, removed the trappings of the vice presidency--including security detail and civil servant staff--from Chilumpha.

[¶](#)4. (SBU) The High Court quickly followed up with a 'clarification' on February 12 that Chilumpha should maintain his office, and specifically that government could not remove his security, staff, vehicles or pay. However, the Attorney General has refused to reinstate Chilumpha's entitlements, and repeatedly claimed that he has never been officially served with the 'clarification'.

[¶](#)5. (SBU) For their part, civil society organizations have largely come out against the VP's dismissal. The influential Public Affairs Committee and the Muslim Association of Malawi (MAM) have both condemned Chilumpha's removal as unconstitutional. Chilumpha is a Muslim and loyalist of the United Democratic Front, the Muslim-dominated party of former President Bakili Muluzi. MAM's Secretary General has gone as far as to call it as an "attempt to marginalise Muslims," in local media. A MAM march in part to support the VP is scheduled for February 17 in Lilongwe.

16. (SBU) Comment: The President's decision to unilaterally dispose of the VP will be examined by a constitutional review, which is scheduled to take place within the next two weeks. However, perhaps the most troubling part of the entire ordeal has been the Attorney General's failure to comply with the High Court injunction. While Malawi's court system is often slow to act, it is generally respected both by the public and by politicians. This is precisely what makes the Government's defiance of the High Court ruling in this case such a dangerous precedent. The President seems intent on doing away with Chilumpha; however it still looks very unlikely that the courts would side with Mutharika on his interpretation of the VP's "resignation". It remains to be seen what the President will do if the courts rule that his dismissal of Chilumpha is unconstitutional.

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